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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/528,127 03/17/00 FORD

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EXAMINER

PARDOL T

ART UNIT

PAPER NUMBER

2171
DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/528,127

Applicant(s)
Ford et al.

Examiner
Thuy Pardo

Art Unit
2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on IDS filed on January 19, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3, 4
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

1. Claims 1-21 are presented for examination.

Object to Specification

2. Appendix A is objected to because of the following informalities:

Appendix A contains a computer program listing consisting of more than ten (10) pages. In accordance with 37 CFR 1.96(c), a computer program listing printout of more than ten pages must be submitted as a "microfiche appendix" conforming to the standards set forth in 37 CFR 1.96(c)(2) and must be appropriately referenced in the specification (see 37 CFR 1.77(a)(6)). Accordingly, applicant is required to cancel the computer program listing appearing in the specification on pages, file a "microfiche appendix" in compliance with 37 CFR 1.96© and insert an appropriate reference to the newly added "microfiche appendix" at the beginning of the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. § 103 as being unpatentable over **Schultz** patent no. 5,640,553, in view of **Ballard** patent no. 6,182,050 .

5. As to claim 1, Schultz teaches the invention substantially as claimed, comprising:

identifying, within each of a plurality of categories [349a of fig. 4A], a set of items that satisfy the search query [39 items found, see fig. 4A; col. 4, lines 8-9, 30-33] and presenting associated items that satisfy the search query in a display order [see fig. 4A; col. 13, lines 35-67].

However, Schultz does not explicitly teach using at least the sets of items identified to determine category significance levels that indicate for each of the plurality of categories a level of significance of the category to the query although it has the same functionality of searching a database of a retrieval system in response to a query. Ballard teaches determining category significance levels that indicate for each of the plurality of categories [ab; col. 2, lines 25-45].

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Ballard to the system of Schultz as an efficient means to bring to clients' attentions of all related items that satisfy the query from different categories.

6. As to claim 9, it is similar to claim 1; therefore, it is rejected under the same rationale.

7. Claim 17 is a corresponding apparatus claim of claims 1 and 9; therefore, it is rejected under the same rationale.

8. As to claims 2, 12, and 20, Schultz and Ballard teach the invention substantially as claimed. Schultz further teaches determining the display order based on a profile of the user [col. 14, lines 15-25].

9. As to claims 3 and 14, Schultz and Ballard teach the invention substantially as claimed. Schultz further teaches determining item popularity scores for the corresponding set of items that satisfy the query [39 items found, see fig. 4A; col. 4, lines 8-9, 30-33] and Ballard further teaches using the item popularity scores to determine the category significance level for the category [ab].

10. As to claims 4 and 15, Schultz and Ballard teach the invention substantially as claimed. Ballard further teaches that the item popularity scores are based on at least one type of user activity that evidences user affinities for a particular items [col. 6, lines 64 to col. 7, lines 13].

11. As to claims 5 and 19, Schultz and Ballard teach the invention substantially as claimed. Schultz further teaches selecting an item from a list of search results [fig. 4B], placing an item in a shopping cart and purchasing an item [inherently having these features in the system in order to purchase products on-line such as Internet].

12. As to claim 11, Schultz and Ballard teach the invention substantially as claimed. Schultz further teaches displaying categories from highest to lowest category significance level [col. 13, lines 55-60; col. 14, lines 15-21].

13. As to claim 16, Schultz and Ballard teach the invention substantially as claimed. Ballard further teaches determining whether the query is satisfied by any web pages [col. 2, lines 60-64] that based on a set rules [inherent in the system].

14. As to claim 21, Schultz and Ballard teach the invention substantially as claimed. Ballard further teaches a database of products sold by a merchant [ASP, col. 6, lines 25-31].

15. The elements of claims 6-8, 13, and 18 are rejected in the analysis above, and these claims are rejected on that basis.

16. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

18. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:


(703) 308-9051, (for formal communications intended for entry)

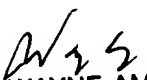
Or:

(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,
Sixth Floor (Receptionist).


Thuy Pardo
May 01, 2001


WAYNE AMSBURY
PRIMARY PATENT EXAMINER